

Message Text

UNCLASSIFIED

PAGE 01 PARIS 06903 181758Z

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ACTION L-02

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 7644

UNCLAS PARIS 06903

E.O. 11652: N/A

TAGS: CPRS, PFOR, FR

SUBJECT: EXTRADITION - HOLDER/KERKOW

REF: TELECON BLAKESLEY/MCLENDON MARCH 18

1. AS REQUESTED TELECON, FOLLOWING ADDITIONAL INFORMATION PROVIDED RE ROLE OF AVOCAT GENERAL IN EXTRADITION CASE.
 2. FRENCH CODE DE PROCEDURE PENALE (ART.31 FF.) DESCRIBES ROLE OF MINISTERE PUBLIC, WHO IS REPRESENTED IN EVERY CRIMINAL CASE. ESSENTIALLY, HIS ROLE IS TO REPRESENT THE PUBLIC INTEREST AND TO ENSURE APPLICATION OF THE LAW. "HE IS FREE TO PRESENT THOSE ORAL OBSERVATIONS THAT HE BELIEVES APPROPRIATE IN THE PURSUIT OF JUSTICE." (ART.33) IN CHAMBRE D'ACCUSATION, ROLE OF MINISTERE PUBLIC IS PLAYED BY PROCUREUR GENERAL OR AVOCAT GENERAL.
 3. IN HOLDER/KERKOW CASE, AVOCAT GENERAL DE SABLET EXPLAINED AT MARCH 17 HEARING HIS ROLE IN CASE (WE ASSUME EXPLANATION WAS INTENDED FOR BENEFIT OF FOREIGN JOURNALISTS WHO ATTENDED TRIAL.) HE STATED THAT HE DID NOT REPRESENT THE U.S. GOVERNMENT IN THE CASE, NOR DID HE REPRESENT THE FRENCH GOVERNMENT. HIS ROLE AS MINISTERE PUBLIC IN EXTRADITION CASE IS NOT THE SAME AS IN ORDINARY CRIMINAL CASES. HIS ROLE IS RATHER TO INTERPRET THE APPLICABLE LAWS AND TREATIES AND ASSIST THE COURT IN DETERMINING WHETHER THE LEGAL CONDITIONS FOR EXTRADITION ARE MET.
- RUSH

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Message Attributes

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Channel Indicators: n/a
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Draft Date: 18 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
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Margaret P. Grafeld
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